

South Hams Council



Title:	Agenda																																													
Date:	Thursday, 28th September, 2023																																													
Time:	2.00 pm																																													
Venue:	Council Chamber - Follaton House																																													
Full Members:	<p style="text-align: center;">Chairman Cllr Pannell Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Jackson</td> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Lawford</td> <td></td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Long</td> <td></td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr McKay</td> <td></td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Munoz</td> <td></td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Nix</td> <td></td> </tr> <tr> <td>Cllr Cooper</td> <td>Cllr O'Callaghan</td> <td></td> </tr> <tr> <td>Cllr Dennis</td> <td>Cllr Oram</td> <td></td> </tr> <tr> <td>Cllr Dewynter</td> <td>Cllr Penfold</td> <td></td> </tr> <tr> <td>Cllr Dommett</td> <td>Cllr Presswell</td> <td></td> </tr> <tr> <td>Cllr Edie</td> <td>Cllr Rake</td> <td></td> </tr> <tr> <td>Cllr Hancock</td> <td>Cllr Steele</td> <td></td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Thomas</td> <td></td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Yardy</td> <td></td> </tr> <tr> <td>Cllr Hopwood</td> <td></td> <td></td> </tr> </table>	Cllr Abbott	Cllr Jackson		Cllr Allen	Cllr Lawford		Cllr Birch	Cllr Long		Cllr Bonham	Cllr McKay		Cllr Brazil	Cllr Munoz		Cllr Carson	Cllr Nix		Cllr Cooper	Cllr O'Callaghan		Cllr Dennis	Cllr Oram		Cllr Dewynter	Cllr Penfold		Cllr Dommett	Cllr Presswell		Cllr Edie	Cllr Rake		Cllr Hancock	Cllr Steele		Cllr Hawkins	Cllr Thomas		Cllr Hodgson	Cllr Yardy		Cllr Hopwood		
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																																													
Committee administrator:	Democratic.Services@swdevon.gov.uk																																													

- 1. Minutes** **1 - 6**
to approve as a correct record the minutes of the meeting of the Council held on 29 June 2023;

- 2. Urgent Business**
the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

- 3. Exempt Information**
to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

- 4. Declarations of Interest**
In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

- 5. Business Brought Forward by the Chairman**
to consider business (if any) brought forward by the Chairman;

- 6. Supporting our Care Leavers: Council Tax**
Report to follow

- 7. Scheme of Members' Allowances Review**
Report to follow

- 8. Member Appointments**
Report to follow

- 9. Reports of Bodies**
to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:
(* Indicates minutes containing recommendations to Council)

- (a) Development Management Committee - 28 June 2023** **7 - 16**

- (b) Executive - 28 June 2023** **17 - 26**

	Page No
(c) Audit & Governance Committee - 6 July 2023	27 - 30
(d) Overview & Scrutiny Committee - 20 July 2023	31 - 34
(e) Development Management Committee - 26 July 2023	35 - 44
(f) Audit & Governance Committee - 27 July 2023	45 - 48
(g) Licensing Committee - 31 August 2023	49 - 50
(h) EXECUTIVE * - 21 SEPTEMBER 2023	
To follow	
10. Public Question Time	51 - 52
11. Questions on Notice from Members	
to consider the following question(s) received (if any) from Members in accordance with Council Procedure Rule 8:	
12. Motions on Notice from Members	
to consider the following motions received (if any) in accordance with Council Procedure Rules:	

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Agenda Item 1

MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 29 JUNE 2023

MEMBERS

* Cllr G Pannell – Chairman

* Cllr B Taylor – Vice-Chairman

* Cllr V Abbott	∅ Cllr S Jackson
* Cllr G Allen	* Cllr L Lawford
∅ Cllr J P Birch	* Cllr M Long
* Cllr L Bonham	* Cllr J McKay
* Cllr J Brazil	* Cllr P Munoz
* Cllr J Carson	* Cllr A Nix
* Cllr B Cooper	* Cllr D M O’Callaghan
* Cllr S Dennis	* Cllr C Oram
* Cllr A Dewynter	* Cllr S Penfold
* Cllr N Dommett	* Cllr A Presswell
∅ Cllr T Edie	* Cllr S Rake
* Cllr D Hancock	* Cllr M Steele
* Cllr J D Hawkins	* Cllr D Thomas
* Cllr J M Hodgson	* Cllr G Yardy
* Cllr N A Hopwood	

* Denotes attendance

∅ Denotes apology for absence

** Denotes attendance over Teams in a non-voting capacity

Officers in attendance and participating:

For all items: Senior Leadership Team; Monitoring Officer; Democratic Services
Manager

18/23 MINUTES

The minutes of the Council meeting held on 25 May 2023 were confirmed as a true and correct record.

19/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but there were none made.

20/23 REPORTS OF BODIES

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

(a) Development Management Committee – 7 June 2023

21/23

PUBLIC QUESTION TIME

It was noted that the following public question had been received in accordance with the Council Procedure Rules, for consideration at this meeting:

From Mr John Grocock:

“Recent Liberal Democrat literature informed us there are ‘766 households in urgent need of affordable rented accommodation’. Once the action plan to tackle this has been published, how frequently, and by what means (other than online), will the public be updated on progress?”

Response from Cllr O’Callaghan (lead Executive Member for Housing):

In her response, Cllr O’Callaghan made the following statement:

‘Trying to provide good quality genuinely affordable housing is a top priority for this Council administration. We are also committed to trying our best to help people. At its meeting yesterday, the Executive approved measures to help tenants to take action against landlords who are failing to help with issues of damp, mould and disrepair through a streamlined reporting process following which the Council has the power (in serious cases) to inspect homes, challenge landlords and ultimately (in the worst cases) impose civil penalties and prosecutions.

Often, its hard to even move to escape with the freeze on Housing Benefits since 2020 drastically reducing the number of homes covered by benefit, with the Institute for Fiscal Studies figures suggesting that its now only 5% of homes.

In one of the richest countries in the world, people should have a basic right to damp and mould free homes in reasonable repair and a right to get redress if they don’t.

We’ll also be looking to improve the quality of our housing stock – through grants we have begun upgrading energy inefficient homes for people on low incomes and helped low income landlords improve insulation and draught proofing for example, but we need to do more.

As Mr Grocock’s question suggests, all too many people on the Devon Home Choice housing waiting list in South Hams are having problems getting affordable housing in the first place.

Nationally, we have inherited the problem of Council Housing offered as ‘Right to Buy’ from the Thatcher era onward not being replaced in sufficient numbers. In my own ward of Kingsbridge, there are plenty of houses being built– just not enough of them that locals can afford.

In the private rental market, prices are soaring, exacerbated by rising mortgage rates and there is a shortage made worse by some landlords switching to more lucrative AirBnB short-term lets.

The fact that there are I think 4,000 second homes in the district and only 3,450 social rented homes tells its own story.

The new administration wants to help and take action where it can and lobby Central Government where it cant.

We want to get genuinely affordable homes on the Ropewalk site in Kingsbridge for example and have asked for a review of all Council Capital projects and land owned by the Council to see where we could build further such homes.

We also want to invest in suitable property in our towns and villages to provide affordable/social rent homes. Government funding has enabled us to acquire seven homes to support Ukrainian and Afghan refugees, which can also be used as general purpose temporary accommodation. These are being built currently and should be ready for Christmas.

Next year, the Joint Local Plan (which covers the South Hams) is up for review and we have the opportunity to lobby for a higher proportion of affordable homes in developer led housing.

Whilst a long introduction to the question, I wish at this first Full Council meeting to set out an idea of what our priorities and aims are in this key area.

Our action plan involves, of course, over the coming weeks and months of talking to and consulting with our communities to establish what they (or in fact you) want to see and to help guide us on to the right track. We will prepare a draft document after talking to town and parish councils and other key partners and stakeholders.

We will then carry out a four week public consultation in early Autumn, as well as online engagement (for example, we will have on-street surveys). We do not want to be seen as doing things to you, we want to do them with you in a spirit of partnership working.

The Council intends to publish an annual delivery plan, with regular performance monitoring. Housing updates will be provided on a regular basis to the Council's Executive. All these formal meetings are open to the public, livestreamed if you are unable to attend and available afterwards on our Council website.

We update the public via our Communications Team on social media and in the local press and District Councillors attend their local town and parish council meetings to provide updates and these meetings are also open to the public.

Councillor contact details are publicly available should constituents wish to ask questions about housing policy or anything else.

Finally, thank you Mr Grocock for your question and your interest.'

22/23

QUESTIONS ON NOTICE

It was noted that no Questions on Notice had been received in accordance with Council Procedure Rules.

23/23

MOTIONS ON NOTICE

It was noted that one Motion on Notice had been received in accordance with Council Procedure Rules;

a) From Cllr McKay and Cllr Abbott

'A priority for this Council is to address the challenges of climate change by reducing emissions across the district of South Hams and to prepare the area for the inevitable consequences of global warming.

This Council will set itself goals based on the latest climate science, and in the interests of its residents and beyond strive to achieve these. However, it recognises that it will need help from central government in terms of both funding and legislation.

It is therefore essential that this Council, in partnership with other Local Authorities, either directly or through the LGA, vigorously and persistently lobbies central government for the support that is desperately needed to effectively address the threats to our communities as a result of climate change.

Of immediate importance are the problems community renewable energy projects face, which can only be dealt with through changes to legislation. Currently, to become an energy supplier, it is necessary to enter into highly complex network agreements and grid balancing codes that make the cost prohibitive.

The Local Electricity Bill was an attempt to address this by the introduction of:

- a) *A Community Electricity Export Guarantee: which would create a right for sites that generate low carbon electricity with a capacity below 5 megawatts to export their electricity to an existing electricity supplier on fair terms.*
- b) *A Community Electricity Supplier Services Scheme: which would create a requirement on existing larger energy suppliers to work with community schemes to sell the power they generate to local customers. Existing suppliers could charge a fee for doing this, but that fee must be reasonable.*

The Local Electricity Bill has now been absorbed into the Energy Bill as clauses 272 and 273. The Energy Bill is at its Committee stage, and has still to progress through its Report and 3rd Reading stages before it becomes law. It is an enormous bill.

The need for community based local renewable energy schemes is becoming increasingly urgent if we are to drive down eCO2 emissions, provide energy security for our residents while also addressing the cost of energy for residents and businesses alike.

This Council therefore resolves that:

- 1. It recognises the urgent need for community energy generation projects and the need to create the legislative environment in which they can succeed.*
- 2. It fully supports clauses 272 and 273 of the Energy Bill and urges government to speed the passage of the Energy Bill or, in recognition of the importance of clauses 272 and 273, to allow the Local Electricity Bill to proceed separately and at speed.*
- 3. It will write to our local MPs and the leaders of all the UK political parties emphasising the importance of community energy projects and the urgent need to expedite changes to legislation to make them viable.*
- 4. It will seek to partner with other Local Authorities both directly and through the LGA to lobby parliament to achieve the legislative changes.*
- 5. It will publicise, through all suitable media channels, the importance of the need for changes to legislation to allow community energy projects to succeed.'*

During debate, the following points were raised:

- (a) A number of Members stressed the importance of this Motion and therefore wished to put on record their thanks to the proposer and seconder for submitting it for inclusion on this agenda;
- (b) In light of a Member suggestion, an additional (part 6) to the motion was approved by the proposer and seconder for inclusion as part of the substantive motion. This addition read as follows:

'It will write to the Heart of the South West Local Enterprise Partnership and the Department for Energy Security and Net Zero, the Department for Science, Innovation and Technology and the Department for Business and Trade and request that the installation of the vital grid network link at Hinckley is brought forward as a matter of urgency to enable more renewable energy projects to come forward and not be left awaiting the commissioning of Hinckley C Nuclear Power Station that could take years.'

It was then:

RESOLVED

That Council:

1. recognises the urgent need for community energy generation projects and the need to create the legislative environment in which they can succeed;
2. fully supports clauses 272 and 273 of the Energy Bill and urges government to speed the passage of the Energy Bill or, in recognition of the importance of clauses 272 and 273, to allow the Local Electricity Bill to proceed separately and at speed;
3. will write to our local MPs and the leaders of all the UK political parties emphasising the importance of community energy projects and the urgent need to expedite changes to legislation to make them viable;
4. will seek to partner with other Local Authorities both directly and through the LGA to lobby parliament to achieve the legislative changes;
5. will publicise, through all suitable media channels, the importance of the need for changes to legislation to allow community energy projects to succeed; and
6. will write to the Heart of the South West Local Enterprise Partnership and the Department for Energy Security and Net Zero, the Department for Science, Innovation and Technology and the Department for Business and Trade and request that the installation of the vital grid network link at Hinckley is brought forward as a matter of urgency to enable more renewable energy projects to come forward and not be left awaiting the commissioning of Hinckley C Nuclear Power Station that could take years.

(Meeting commenced at 2.00 pm and concluded at 2.30 pm)

Chairman

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 28 June 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	*	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell
*	Cllr J M Hodgson	∅	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice Chair)

Other Members also in attendance:

Cllr Hopwood on MS Teams

Officers in attendance and participating: Cllr D Thomas

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; Senior Planning Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer

DM.7/23 MINUTES
The minutes of the meeting of the Committee held on 7 June 2023 were confirmed as a correct record by the Committee.

DM.8/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr D O'Callaghan declared a Personal Interest in application 6(d) (minute DM.10/23 (e)) below refers) because they have previously supported the skate park. The Member remained in the meeting and took part in the debate and vote thereon.

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(a) (minute DM.10/23(a) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of this application.

DM.9/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.10/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications

prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 0793/23/HHO The Paddocks, Thurlestone
Parish: Thurlestone**

Development: Householder application for renovations and extension.

As highlighted above (Minute DM.10/23 refers), this application was Chaired by Cllr Taylor (Vice-Chair).

Case Officer Update: The Case Officer shared existing and proposed plans as requested following the site visit. The Case Officer summarised the key issues. Namely that:

- Design would not represent uplift to quality of built form;
- Quantity of fenestration would not conserve AONB and Undeveloped Coast;
- Drainage details not supplied.

Speakers were: Objector – None, Supporter – John Salmon, Parish Council – None, Ward Member – Cllr M Long.

The Officer reported that the SPD does allow for exceptions to increase the 50% threshold, however it would have to be the right design to justify this.

In response to questions, the supporter reported that:

- light spill and the type of glass to be used as part of the design was considered;
- distant viewpoints formed part of the design consideration and the property would be slightly lower than the neighbouring building;
- the side elevation would be in zinc and central section and internal parts would be timber and silvered timber.

The Ward Member found the site visit useful and had brought this to Committee to consider whether this application provides the uplift on design and build quality to address the 50% threshold justification. This challenges own policies and Thurlestone Parish Council support this application and requested the Committee to go against the officer recommendation of refusal.

During the debate, Members felt that the overall design incorporates a rather a messy layout into something better with no impact on the landscape. Members debated the light spill, glazing, drainage and materials used in the build and were minded to approve the application subject to more appropriate materials being used other than zinc. It was also highlighted that the Parish Council supported the application.

Recommendation: Refusal

Committee decision: The application be approved subject to receipt of amended plans showing the replacement of the zinc panels with alternatives materials and annotation that shows the first floor glazing being reduced by 25% compared to normal glass provided that the applicant does not include the later in revised plans a condition to that affect be included together with other conditions as determined by the Head of Development Management in consultation with the Vice-chair, Councillor Hodgson (Proposer) and Councillor Allen (Seconder).

**6b) 1381/23/FUL Birdsong, Cliff Road, Wembury, PL9 0HN
Parish: Wembury and Brixton**

Development: Proposed new dwelling.

Case Officer Update: The Case Officer reported that applicant was related to a member of staff. The Case Officer summarised the key issues. Namely that:

- Principle – existing;
- Design/Impact on AONB;
- Residential amenity;
- Impact on Undeveloped Coast.

The Case Officer also highlighted:

- they had received a letter of objection which referred to planning previously being refused on this site, loss of Devon hedge and issues relating to site ownership and access to the site;
- Amendment to condition 10 surface water drainage.

Speakers were: Objector – None, Supporter – Dan Stewart, Parish Council – None, Ward Members – None.

During the debate, Members supported the improvements with this application, biodiversity and drainage solution.

The Proposer and Seconder supported the drainage condition.

Recommendation: Approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

Committee decision: Approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

Conditions:

1. Time limit (3 years)
2. Compliance with approved plans
3. Compliance with submitted Construction Management Plan
4. Compliance with submitted Arboricultural Impact Assessment
5. Submission and approval of materials details
6. Compliance with submitted landscaping details
7. No external lighting without the permission of the LPA
8. Compliance with Ecological recommendations and enhancement measures
9. Provision of access and parking spaces prior to occupation and retained thereafter
10. Drainage details – pre-commencement condition (agreed with applicant 14/06/2023)
11. First floor window to north west elevation obscure glazed
12. Adherence to DEV32 measures
13. Unexpected contamination
14. Removal of PD
15. Delineation of domestic garden area

**6c) 1355/23/VAR Oakhill Farm, Worston, Yealmpton, PL8 2LN
Parish: Yealmpton**

Development: Application for variation of condition 4 (use restrictions) of planning consent 0732/22/FUL (resubmission of 0354/23/VAR).

Case Officer Update: The Case Officer summarised the key issues. Namely that:

- Stables were only granted permission in May 2022;
- Original condition was imposed due to unsustainable location of the site;
- No change in circumstances which would now justify amending the condition;
- Unsustainable location ≠ highways objection

Speakers were: Objector – Sally Hoppins, Supporter – Rachel Wilson, Parish Council – statement read out by the Clerk, Ward Councillor – Cllr D Thomas.

In response to questions, the objector reported that:

- Drainage had not been addressed;
- Dung heap not regularly emptied;
- If granted for commercial usage they would be severely impacted.

In response to questions, the supporter reported that:

- They felt pushed into putting a 7-mile radius;
- The neighbour lives uphill and it was drainage onto their land;
- Access to the property was by car or horse;
- They only had space for 2 horses;
- The dung heap was regularly removed by a small tractor by accessing a neighbouring property.

The Ward Member reported that Officers were right to apply policy, however, people do not use public transport to access stables in South Hams and questioned the current planning policy around sustainability. The number of vehicles would not significantly increase. As outlined in the Officer's report 'a register of users of the stables to be made available to the local planning authority' and suggest this was implemented to clearly demonstrate the condition of non-commercial use. If they follow the principles, then they cannot grant planning permission to stables were stables need to be. Drainage was raised as an issue by the objector and this could be looked at. Ask the Committee to go against officer recommendation with conditions.

During the debate, one Member raised that drainage water does not flow uphill and if there were outstanding drainage issues would be an enforcement matter. Another Member raised whether a 3-mile radius could be conditioned and Officers reported that it would be better to look at the surrounding parishes rather than set a radius. Another Member felt this was a positive application.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management in consultation with the Chair, Vice-Chair, Councillor Hodgson (Proposer) and Councillor Carson (Seconder) to agree wording of the conditions:

- Stables and land will not be used for business or commercial use but for the residents of Oakhill Farm and others at the invitation of Oakhill Farm within the surrounding parishes;

- Register of users for the LPA to inspect;
- Drainage;
- To include conditions from 2022 application.

**6d) 1477/23/FUL Land at SX 663 473, St Anns Chapel
Parish: Bigbury**

Development: Foul water pumping station, 1.8m high security surround and manholes to support the new Holywell Meadow development at St Anns Chapel.

The Case Officer: The Case Officer provided further updates on the application:

- Bigbury Parish Council have no objections to the application;
- One letter of objection has been received which makes the following points:
 - Why are changes being permitted without consultation with adjacent residents;
 - Aesthetically damaging;
 - A more discreet location should have been planned rather than being added at a late stage.

The Case Officer summarised the key issues. Namely that:

- Application has arisen due to change in SWW requirements for adoption;
- Standalone application – does not affect the wider residential development;
- Fence is utilitarian but green selected to minimise visual impact;
- No impact on access to public open space;
- Design and landscape impact acceptable.

In response to questions raised, the Officer reported that the purpose of the fence was for security and safety.

Some Members raised whether it was possible to have hedgehog access through the fenced area.

Speakers were: Objector – None, Supporter – None, Parish Council – None, Ward Member – Cllr B Taylor (did not speak on this application).

During the debate, one Member said that this was a requirement and would normally be undertaken under permitted development, however this was on South Hams land and why this was before the Committee. Members again raised access issues for hedgehogs and the importance of supporting wildlife.

Recommendation: Conditional Approval

Committee decision: Conditional Approval - Prior to the installation of the fence details on how the fence will include hedgehog access shall be submitted and agreed by the LPA.

Conditions: Standard time limit
Accord with plans
No external lighting

**6e) 2030/23/CLP Skate Park, Kingsbridge
Town: Kingsbridge**

Development: Certificate for lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark.

The Monitoring Officer stated this was not a planning application but an application for a Certificate for Lawfulness of proposed development or use. Section 192 of the Town and Country Planning Act allows any person to apply to ascertain whether a proposed use or proposed development would be lawful. Lawful because it does not require planning permission because not development, or already has planning permission or permitted development. The Committee was therefore being asked whether this was permitted development.

One Member raised that there was a challenge from the South Hams Society who argue that this should be a planning application because of breaches to conditions 2 and 4 from the previous skate park and requirement to consult with Natural England. The Monitoring Officer reiterated that this was a Certificate of Lawfulness which the Committee has been asked to consider.

The Case Officer: The Case Officer summarised the key issues: Namely that:

- Whether the proposed constitutes permitted development;
- Policies of the JLP were not material to the determination of this type of application;
- Officers recommend a Lawful Development Certificate can be issued.

The Chair read out the statement from the Leader:

Members of the committee will be aware that the issue of trees is not a material consideration for the certificate of lawfulness, brought today, however: Trees clearly are a very important and sensitive element of the project, and for that reason, following any decision made today by the committee, I will be attending a site meeting with project officers, local Cllrs and Town Council to examine in detail the trees proposed for removal, the replacement tree planting scheme and the further landscaping matters.

The Officer highlighted that further to the report being published that 2 letters of objections were received which included the South Hams Society and 160 letters of support. The letters of objection relate to the loss of trees and whether the development would be in breach of the conditions from the existing planning permission. The loss of trees was not material to the consideration of the lawful development certificate application. In terms of the conditions for the skate park, the skate park was being removed and replaced therefore be a new chapter in the planning history and conditions no longer applicable and therefore no breach. This was a Certificate of Lawfulness and not a planning application and therefore no requirement to consult with Natural England.

In response to questions raised, it was reported that there was no requirement to consult. It was further reiterated that Members were obliged to consider the application before them as a Certificate of Lawfulness and not as a planning application.

Speakers were: Objector – None, Supporter – Rob Sekula , Town Council – statement read out, Ward Member – Cllr D O’Callaghan.

The Ward Member raised that the new skate park was widely supported. A survey was undertaken which highlighted that the loss of car parking spaces would not be an issue. There would be a net gain of 3 trees under the proposals, a site visit would be taking place to address the concerns on the trees. This was a positive for the community but they do have concerns about the trees.

In response to questions, the Ward Member reported that the South Hams Society did raise that the loss of the trees would increase noise levels but this was not widely expressed.

During the debate, one Member raised that it was for them to decide whether this was permitted development and the Leader would address the issues raised on a site visit. Another Member felt it was important to support facilities for your people and this skate park would meet that need. Another Member also supported the need for this type of facility for young people but questioned whether the skate park could be located in a different location? Current skate park not used because of the debris from the trees and said that the skate park to be located in the right place. They requested that they reject the permitted development and take this through a full planning process to address the siting, noise and the trees. They also questioned that the works to build this skate park would exceed 200 cubic metres in capacity because of the removal of trees. Another Member felt it was important to get this right and look at other locations.

The Monitoring Officer responded to the concerns raised and the cutting down of trees was not development and does the construction of the skate park within the limitations? Does it exceed 4 metres in height? no and does it exceed 20 cubic metres? no. The issues that have been raised for another arena.

The Officer added that the felling of trees was not development and cubic content of trees not included in the 200-metre capacity. This application does not require planning permission.

The Deputy Leader added that the Council were the applicants of this site and the Leader was committed to listening to the concerns of local residents to deliver the right scheme.

The Officer reported that over the last 18 months looked at different locations with conversations with the Tree Officer and Landscape Officer on this location and used good practice guidance.

Recommendation: Certificate of Lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark

Committee decision: Certificate of Lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark

DM.11/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.12/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.00 am with a break at 12.19 pm. Meeting concluded at 13:54pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 28 June 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0793/23/HHO	The Paddocks, Thurlestone	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
1381/23/FUL	Birdsong, Cliff Road, Wembury, PL9 0HN	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
1355/23/VAR	Oakhill Farm, Worston, Yealmpton, PL8 2LN	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan and Pannell (9)		Cllr Taylor (1)	Cllrs McKay and Rake (2)
1477/23/FUL	Land at SX 663 473, St Anns Chapel	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
2030/23/CLP	Skate Park, Kingsbridge	Approved	Cllrs Abbott, Allen, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (8)	Cllr Bonham (1)	Cllr Carson (1)	Cllrs McKay and Rake (2)

MINUTES OF A MEETING OF THE EXECUTIVE HELD IN THE COUNCIL CHAMBER ON WEDNESDAY 28 JUNE 2023

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr V Abbott	*	Cllr N A Hopwood
*	Cllr J P Birch	*	Cllr J McKay
*	Cllr J Brazil (Chairman)	*	Cllr D M O'Callaghan
*	Cllr J M Hodgson	*	Cllr D Thomas (Vice Chairman)

<p>Non-Executive Members also present either in person or remotely for all or part of the meeting:</p> <p>Cllrs Bonham, Hawkins, Long, Pannell and Yardy</p>

Officers in attendance and participating:		
All items		Chief Executive; Section 151 Officer; Director – Strategy & Governance; Director – Place & Enterprise; Monitoring Officer; Democratic Services Manager; Head of Housing; Head of Revenues and Benefits; Head of Environmental Health; Assistant Director – Strategy & Organisational Development; Principal Assets Officer; Principal Natural Resources and Greenspaces Officer; and Senior Greenspaces & Recreation Officer

E.1/23 LEADER'S INTRODUCTION

In recognition of this being the first Executive meeting of this Council administration, the Leader welcomed those who were in attendance and wished to record his thanks to his fellow Executive Members for agreeing to join him on the Executive.

E.2/23 MINUTES

The minutes of the Executive meeting held on 13 April 2023 were confirmed as a true and correct record.

E.3/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting.

Whilst not declaring an interest, Cllr N Hopwood informed that she would abstain from the vote on agenda item 12: '*Allocation of Section 106 Funds for Recreational Facilities at, and adjacent to, the Woolwell Centre*' (Minute E.11/23 below refers) by virtue of being the local Ward Member.

E.4/23 PUBLIC QUESTION TIME

The Leader informed that no public questions had been received in accordance with the Executive Procedure Rules.

E.5/23 EXECUTIVE FORWARD PLAN

Members were presented with the most recently published version of the Executive Forward Plan that set out items on the agenda for Executive meetings for the next four months and duly noted its contents.

In discussion, Cllr Hodgson wished to put on record that, at the time that the Totnes Neighbourhood Plan was to be considered by the Executive, she would be declaring an interest on this item by virtue of being a Totnes Town Councillor.

E.6/23 SETTING PRIORITIES FOR THE NEW COUNCIL

The Executive considered a report that set out an outline timeline for the development of a new strategy for the Council. This was to include doing more to tackle the housing crisis and taking action to respond on climate and biodiversity whilst also ensuring that core and statutory council services such as waste and recycling and planning were delivered to a high standard.

During the ensuing debate, Members welcomed the intention to fully consult, with particular reference being made to some of the measures that were to be carried out. Specifically regarding the consultation approach with town and parish councils, the Leader advised that he would be willing to hold an additional meeting with parish council representatives only, if that was their overriding wish.

It was then:

RESOLVED

1. That the timeline and approach for the development of the next iteration of the Council's Corporate Strategy, be approved;
2. That, working with the Senior Leadership Team and the Assistant Director of Strategy throughout the Summer to refine priorities for the next four years, a new draft Corporate Strategy be ready for consideration at the next meeting of the Executive on 21 September 2023; and
3. That the intention be noted that, following the meeting on 21 September 2023, a period of consultation be undertaken to inform the final Strategy prior to adoption by Full Council.

E.7/23

CLIMATE CHANGE AND BIODIVERSITY ADVISORY PANEL AND SUPPORT FOR SUSTAINABLE SOUTH HAMS

The Executive was presented with a report that sought approval for the creation of a new Climate Change and Biodiversity Advisory Group comprising of external experts. Approval was also sought for the continuation of financial support to Sustainable South Hams for its work in supporting the Council's declaration of a climate and biodiversity emergency.

During discussion, reference was made to:-

- (a) the proposed £40,000 grant to be awarded to Sustainable South Hams (SSH). In support of the proposal, a number of Members highlighted the excellent work that was carried out by SSH and urged all Members to attend the Briefing on the organisation that was to be held on 29 June 2023. In addition, the importance of all local Ward Members encouraging their local parish councils and environmental groups to engage with SSH was emphasised;
- (b) the Climate Change and Biodiversity Advisory Panel comprising of external experts. The lead Member committed to providing progress updates on the work of this Advisory Panel as part of the standing agenda item to future Executive meetings.

It was then:

RESOLVED

1. That a Climate Change and Biodiversity Advisory Panel, chaired by the Executive Member for Climate Change and Biodiversity and comprising external expert representatives from the wider community be established with immediate effect;
2. That delegated authority be given to the Director of Strategy and Governance in consultation with the Executive Lead for Climate Change and Biodiversity, to set the Terms of Reference and membership of the Advisory Panel; and
3. That a grant of £40,000 from the Climate Change and Biodiversity Earmarked Reserve be awarded to Sustainable South Hams to continue their District wide work supporting the Council's declaration of a climate change and biodiversity emergency.

E.8/23

IMPROVING STANDARDS IN HOUSING

The Executive considered a report that set out a commitment by the Council to support tenants of social and private sector landlords to take action against their landlords when there were unacceptable delays or challenges in remedying repairs.

The report also provided details of new measures contained in the Social Housing Bill, setting out how the Council was already working towards simplifying the process for tenants to make complaints regarding their housing conditions and how the Council would deal with those complaints.

In discussion, the following points were raised:-

- (a) The importance of providing feedback, ongoing monitoring, keeping Members fully informed and good communications on the Council website were particularly recognised;
- (b) In reply to a question, officers committed to providing an update to Members on the progress of the Renters Reform Bill 2023 through the House of Commons and House of Lords;
- (c) The Chairman of the Overview and Scrutiny Committee stated his intention for Livewest representative(s) to be invited to attend a Committee meeting early in the 2023-24 Municipal Year. As a general point, Members felt it to be important when external partners were invited to attend a meeting of the Overview and Scrutiny Committee for Members to be in receipt of a pre-briefing from lead officers;
- (d) Members were of the view that the overriding purpose of this report was to set out a statement of intent and to demonstrate to tenants that the Council would do all it could to support them.

It was then:

RESOLVED

1. That an enhanced approach to improving Social and Private Sector Housing standards in South Hams, be approved; and
2. That annual performance reports on the investigations of housing standards complaints be brought to a future Executive meeting.

E.9/23

COST OF LIVING CRISIS: PLANS FOR HOUSEHOLD SUPPORT FUND 2023 TO 2024 AND COUNCIL TAX SUPPORT FUND ALLOCATION

A report was considered that sought approval for the implementation of a range of support measures to assist residents who were experiencing extreme hardship during the current Cost of Living crisis.

During debate, particular reference was made to:

- (a) the ability for officers to provide support to retired blue light workers. In response to the request, it was agreed that officers would consider this point further and, if appropriate, would report back to a future Executive meeting;
- (b) targeting the hardest to reach vulnerable groups. Officers highlighted that they had built very good relationships with the Community and Voluntary sector and it was also noted that local Ward Members had a key role to play in promoting the availability of supporting measures to their known vulnerable residents.

It was then:

RESOLVED

That the Head of Revenues and Benefits be instructed to:

- a) take immediate steps to progress support payments of £150 to single income households in receipt of Council Tax Reduction, and not receiving passported benefits, on 1 July 2023, with a further payment of up to £250 being made in December 2023.
- b) take immediate steps to progress support payments of £150 to residents with caring responsibilities i.e. those receiving Council Tax Reduction and Carers Allowance and/or a council tax carers disregard on 1 July 2023, with a further payment of up to £250 being made in December 2023.
- c) take immediate steps to progress support payments of £150 to residents receiving War Disablement Pension on 1 July 2023, with a further payment of up to £250 being made in December 2023.
- d) work with Armed Forces' charities and other affiliated organisations to identify other veterans the Council wishes to support.
- e) release the balance of funding in three tranches for an open application process, to cover the periods July to September 2023, October to December 2023 and January to March 2024; and

- f) use the balance of the Council Tax Support Fund allocation to top-up the Exceptional Hardship Fund.

E.10/23 **DARTMOUTH HEALTH HUB – OFF-STREET PARKING ORDER AMENDMENT**

Members considered a report which sought approval for a series of amendments to the South Hams District Council (Off-Street Parking Places)(Variation No.1) Order 2022.

In the ensuing debate, reference was made to:

- (a) the wish of the lead Member to **PROPOSE** an additional recommendation as follows:

‘3. That the Off Street Parking Order be subject to further reviews in six and twelve months’ time.’

This additional recommendation was subsequently **SECONDED** and therefore became part of the substantive motion;

- (b) the views of the local Ward Members. The local Ward Members expressed a number of concerns over the proposals that were summarised as follows:

- the proposed eight free one hour parking bays were insufficient and should be increased to 20;
- a vehicle registration approach to parking should be implemented;
- the assumptions applied did not stand up to scrutiny and contained inconsistencies;
- there was significant seasonal variations across the car parks in the vicinity; and
- the risk of appointments overrunning and the consequent anxiety placed on patients was unfair.

- (c) an amendment to the motion was **PROPOSED** and **SECONDED** as follows:

*‘That **sixteen** free one hour only parking bays be introduced within the car park.’*

In support of the amendment, some Members felt that this would be a good example of the Executive listening to the consultation responses received and the concerns expressed by the local Ward Members. Other Members stated their opposition to the amendment for three main reasons:

- the amendment had not been properly costed and it was not good practice to take such decisions without the financial implications being fully understood;

- the Health Hub had been developed at great cost to the Council and it was therefore appropriate for the local authority to attempt to recoup some of its financial outlay on the project; and
- reviews were proposed to be carried out in six and twelve months' time and the Executive would be in a more informed position at those points to amend the Order (if deemed appropriate).

When put to the vote, the amendment was declared (by virtue of the Chairman's Casting Vote) **LOST**.

(NOTE. In accordance with Council Procedure Rule 17.7 (*Right to Require Individual Vote to be Recorded*), Cllr N Hopwood asked that her vote to abstain on the amendment be formally recorded).

It was then:

RESOLVED

1. That the following amendments to the South Hams District Council (Off-Street Parking Places)(Variation No.1) Order 2022, be approved:-
 - i. a new car park be named as Dartmouth Health Hub Car Park and incorporated into the Order
 - ii. pay and display charges at the Dartmouth Health Hub Car Park be introduced in accordance with Appendix A of the presented report
 - iii. the pay & display charges in Dartmouth Park & Ride Car Park be amended in accordance with Appendix B of the presented report
 - iv. a Dartmouth Health Hub Car Park Reserved Parking Permit be introduced for Health Hub staff use only
 - v. eight free one hour only parking bays be introduced within the car park
2. That the variation to the Off Street Parking Order be approved to reflect amended recommendations as above for introduction as soon as the order is complete; and
3. That the Off Street Parking Order be subject to further reviews in six and twelve months' time.

E.11/23

ALLOCATION OF SECTION 106 FUNDS FOR RECREATIONAL FACILITIES AT, AND ADJACENT TO, THE WOOLWELL CENTRE

The Executive was presented with a report that sought approval for the allocation of S106 funds towards a new pump track adjacent to the Woolwell Centre, improvements to outdoor play facilities adjacent to the Woolwell Centre; and a new covered seating area on the western side of the Woolwell Centre, to serve the adjacent recreational facilities.

In discussion, the local Ward Member provided an explanation on each of the three projects and, in support of the proposals being approved, informed that each would be subject to further consultation with the local community.

It was then:

RESOLVED

- 1) That the allocation of £80,000 of S106 funds towards a pump track adjacent to the Woolwell Centre, be approved;
- 2) That the allocation of £30,000 of S106 funds towards future improvements to outdoor play facilities adjacent to the Woolwell Centre, be approved;
- 3) That the allocation of £51,100.34 of S106 funds towards a covered seating area on the western side of the Woolwell Centre, to serve the adjacent recreational facilities, be approved;
- 4) That £161,100.34 be allocated from the S106 funds held by the Council for the mitigation of the impact of the “Land off Pinewood Drive” development, specifically for open space, sport and recreation improvements;
- 5) That in each case, the agreement of the specific details of projects be delegated to the relevant Officer in consultation with the Ward Member, Portfolio Holder and Parish Council; and
- 6) That any substitution of alternative projects be delegated to the relevant Officer in consultation with the Ward Member, Portfolio Holder and Parish Council.

E.12/23 APPOINTMENTS TO THE SALCOMBE HARBOUR BOARD; RE-ESTABLISHMENT OF THE WASTE WORKING GROUP; AND ESTABLISHMENT OF EXECUTIVE ADVISORY GROUPS

Members considered a report that sought approval for appointments to the Salcombe Harbour Board, the re-establishment of the Waste Working Group and the Establishment of three Executive Advisory Groups

In discussion, Members considered the establishment of the Executive Advisory Groups and made particular reference to:

- the need for nominated Members to have the expertise, interest and time availability. In expanding upon the point, officers informed that, due to the timescales associated with the development of the Corporate Strategy, Advisory Group meetings would be convened at very short notice (i.e. before mid-July);

- Cllrs Abbott and Thomas jointly leading on the proposed Community Development Executive Advisory Group;
- the wish for nominees to be made up of non-Executive Members only, with other Executive Members being able to attend in an observational capacity.

It was then:

RESOLVED

1. That Cllrs Bonham, Dennis, Long and McKay be appointed to serve on the Salcombe Harbour Board for the four year period from 2023/24 to 2026/27;
2. That Cllr Long be appointed to the role of Salcombe Harbour Board Chairman for the four year period from 2023/24 to 2026/27;
3. That Kate Allen be appointed as a Salcombe Harbour Board Co-Opted Member for the three year period from 2023/24 to 2025/26;
4. That in the event of a further ad-hoc vacancy arising, Mark Alexander be automatically appointed as a Salcombe Harbour Board Co-Opted Member, with delegated authority being given to the Director of Place and Enterprise and the Head of Democratic Services to fix the term of office in that eventuality;
5. That the Waste Working Group be re-established in accordance with the draft Terms of Reference at Appendix A of the presented report; and
6. That three Executive Advisory Groups (Climate Change & Biodiversity; Community Development; and Housing) be established in accordance with the draft Terms of Reference at Appendix B of the presented report.

(Meeting commenced at 4.00 pm and concluded at 5.50 pm)

Chairman

(NOTE: THESE DECISIONS, WILL BECOME EFFECTIVE FROM 5.00PM ON FRIDAY, 7 JULY 2023 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)

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**MINUTES OF A MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE
 HELD IN THE COUNCIL CHAMBER, FOLLATON HOUSE, PLYMOUTH ROAD,
 TOTNES ON THURSDAY, 6 JULY 2023**

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr L Bonham (Chairman)	*	Cllr C Oram
*	Cllr S Dennis	*	Cllr A Presswell
*	Cllr D Hancock	∅	Cllr S Rake
*	Cllr A Nix (Vice-Chairman)	*	Cllr G Yardy
		*	Cllr L Lawford (<i>substituting for Cllr S Rake</i>)

Member(s) also in attendance:
Cllrs S Rake (via Teams)

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Director – Strategy & Governance; Head of Finance; Democratic Services Manager; Assistant Director – Strategy & Organisational Development; Internal Audit Manager; Grant Thornton – Key Audit Manager (via Teams)

AG.1/23 WELCOME AND INTRODUCTIONS

In recognition that this was the first meeting of the Audit and Governance Committee since the recent May 2023 local elections, the Chairman formally welcomed Members and officers to the meeting.

AG.2/23 MINUTES

The minutes of the Audit and Governance Committee meeting held on 9 March 2023 were confirmed as a true and correct record.

AG.3/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

AG.4/23

GRANT THORNTON SECTOR UPDATE REPORT AND UPDATE ON THE 2022/23 AUDIT PROCESS

The Committee considered a paper from Grant Thornton that provided a progress update on delivering their responsibilities as the Council's External Auditors.

In recognition that this was the first meeting of the Committee since the recent local elections, the Grant Thornton Engagement Lead provided a detailed introduction to his paper.

In so doing, he specifically repeated the serious recruitment challenges that continued to plague the audit industry and set out some of the steps that were being undertaken by Grant Thornton to mitigate these significant challenges.

In discussion, the Committee was of the view that the consequent extensive delays on the audit into the Council's accounts was wholly unacceptable. However, Members also recognised that this was a national problem for which there were no quick solutions to resolve.

Following a detailed discussion, it was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED** that:

'Grant Thornton be requested to give a firm commitment at the Committee meeting to be held on 28 September 2023 as to the timings of when the Council's Audit will be undertaken and completed.'

It was then:

RESOLVED

1. That the contents of the Update Report be noted; and
2. That Grant Thornton be requested to give a firm commitment at the Committee meeting to be held on 28 September 2023 as to the timings of when the Council's Audit will be undertaken and completed.

AG.5/23

REVIEW OF THE INTERNAL AUDIT PLAN FOR 2023-24

The Committee considered a report that sought to provide it with the opportunity to review and comment upon the Internal Audit Plan for 2023/24, which was originally approved by the Committee at its 9 March 2023 meeting (Minute AG.35/22 refers).

In discussion, particular reference was made to:

- (a) the elections / electoral registration audit. In response to a question over the date of the previous audit being unknown, officers confirmed that an audit into this area of Council work had just commenced;
- (b) three audits that had been found to have 'limited assurance'. As an update, the Committee noted that three audits had been found to have 'limited assurance' during 2022/23;
- (c) business continuity. Members were advised that the business continuity subject area would be encompassed within the audit on Procurement.

It was then:

RESOLVED

That the proposed Internal Audit Plan for 2023/24 (as set out at Appendix A of the published agenda report) be re-confirmed.

AG.6/23 STRATEGIC RISK UPDATE – JUNE 2023

Consideration was given to a report that set out the current strategic risks as considered by the Council Officer's 'Performance Board' in June 2023. Furthermore, the report also set out the intention to update the Risk and Opportunity Management Strategy by the Autumn of 2023 alongside the development of our next Corporate Strategy.

In discussion, the following points were raised:

- (a) Some Members felt that the current Strategic Risk Register should include reference to the Climate Change & Biodiversity Emergency. As a result, it was **PROPOSED** and **SECONDED** and, on being put to the vote, was declared **CARRIED**:

*'That the Committee **RECOMMEND** that the Climate Change & Biodiversity Emergency be added to the Strategic Risk Register.'*

- (b) Whilst there were risks associated with fraud to the Council, neither the Performance Board or the Section 151 Officer currently viewed these as being so significant to be included on the Strategic Risk Register;
- (c) As part of the commitment to review the Risk and Opportunity Management Framework (that was last reviewed in 2018), officers informed that they would welcome input and contributions from interested Members.

It was then:

RESOLVED

1. That the current Strategic Risk Register has been considered and the Committee **RECOMMEND** that the Climate Change & Biodiversity Emergency be added to the Register; and
2. That the intention be noted for the Strategic Risk profile of the Council and our adopted Risk and Opportunity Management Framework to be updated alongside the development of its new Corporate Strategy.

AG.7/23 AUDIT COMMITTEE WORKPLAN 2023/24

Members were presented with a draft version of the Audit Committee Workplan for 2023/24.

In consideration, the following points were raised:-

- (a) By having the ability to set their own Work Programme, the Committee welcomed the fact that it would have the opportunity to consider draft key project business cases prior to their consideration by the Executive;
- (b) Members supported the proposal of the lead Executive Member for Governance to establish a Freeport Task and Finish Group. Whilst the scope and terms of reference of the review would be approved at the first Group meeting, it was agreed by the Committee that:
 - the Group membership would consist of: Cllrs Bonham; Hancock; Nix; Presswell and Yardy; and
 - the concluding report of the Group should be presented to the Committee meeting to be held on 28 September 2023, with the Workplan being updated accordingly.

It was then:

RESOLVED

That the Committee Workplan 2023/24 (as set out within the published agenda papers) be formally adopted, subject to a Freeport Task and Finish Group (comprising of Cllrs Bonham, Hancock, Nix, Presswell and Yardy) being established that would be tasked with presenting its concluding report to the Committee meeting to be held on 28 September 2023.

(Meeting commenced at 3:00 pm and concluded at 4.20 pm)

Chairman

**MINUTES of the MEETING of the
OVERVIEW & SCRUTINY COMMITTEE,
Held in the Council Chamber, Follaton House, Totnes, on
THURSDAY, 20 July 2023**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr B Cooper (Vice-Chairman)	∅	Cllr S Jackson
*	Cllr S Dennis	*	Cllr L Lawford
*	Cllr A Dewynter	*	Cllr P Munoz
*	Cllr N Dommett	*	Cllr S Penfold
*	Cllr T Edie	*	Cllr A Presswell
*	Cllr J Hawkins (Chairman)	*	Cllr M Steele

Other Members also in attendance either in person or via Teams:
Cllrs Birch, Hopwood and Thomas. Cllrs Presswell and Munoz (via Teams)

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Director of Customer Service and Delivery, Assistant Director of Strategy and Organisational Development (via Teams), Head of Customer Service Improvement (via Teams), Senior ICT Member Support Officer and Senior Democratic Services Officer

O&S.01/23 MINUTES
The minutes of the meeting of the Overview and Scrutiny Committee held on 16 March 2023 were confirmed as a correct record.

O&S.02/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

O&S.03/23 PUBLIC FORUM
In accordance with the Public Forum Procedure Rules, the Chairman informed that no questions had been received for consideration.

O&S.04/23 THE OVERVIEW AND SCRUTINY FUNCTION
The Director of Customer Service and Delivery provided a presentation on the Overview and Scrutiny Function, which highlighted:

- The Role of Scrutiny and Government Guidance;
- Overview and Scrutiny Committee Arrangements;
- Items that can be scrutinised;

- Shortlisting Work Programme Topics.

Members noted the Overview and Scrutiny Function presentation.

O&S.05/23 **PERFORMANCE UPDATE TO JUNE 2023**

The lead Executive Member for Customer Service; Improvement; IT; and Digital Services introduced the report and invited Members' questions on the contents of the Performance Update to June 2023.

In discussion, the following points were raised:

- Overall, there is positive performance in the majority of the KPI's
- FOI requests mainly related to planning but did cover a wide range of subjects;
- No sanctions received from the ICO in respect of compliance with FOI timescales;
- % of non-major application determined to be worded better. Add the word 'Planning' to be clear it relates to that service;
- Planning Inspectorate could intervene if they did not meet targets;
- Extension on time (related to planning applications) could either be the applicant or the local planning authority extending the time;
- A full update on the Planning Improvement Plan, including Enforcement would be considered by the Executive in September;
- In respect of Homelessness preventions, an example of someone that presents themselves as intentionally homeless was a person that decided to leave a property or had been evicted by a landlord because due to intentional damage;
- Some people choose to be homeless and there were currently two rough sleepers in South Hams;
- Regarding Employment Estate Occupancy rates, the Employment estate includes Follaton House;
- IT software has sped up the processing of Temporary Events Notices and this would remain as a KPI;
- Central Government would shortly be monitoring household recycling rates;
- A request was made for the target for contact centre calls answered within 5 minutes to be changed from 60 – 80% to 80% and this was welcomed by the lead Member;
- The Council will be launching a new website in September and the preference for people to go online but with the option of a callback service;
- From September Revs and Bens would be splitting away from Contact Centre. These calls were more complex and could take up to an hour. All calls were recorded and monitored for training purposes;
- It was suggested that Committee look at KPIs informally with officers in September to understand the measures further.

It was then:

RESOLVED

That the Overview and Scrutiny Committee notes:

1. the key service performance of the Council, as set out in Appendix A to this report.
2. the intention to provide more regular updates on the KPI's to the committee to ensure more timely reporting of data.

O&S.06/23 ANNUAL WORK PROGRAMME 2023/24

The Committee were invited to add items to the work programme:

- Livewest/other social housing providers
- Homelessness and temp accommodation
- SW Water - quality of water rivers/beaches
- Community Safety Partnership
- Fusion
- CVS
- CAB Annual report
- Review of Planning Enforcement
- AONB
- Stagecoach
- Road Maintenance
- Dartmoor National Park – Right to Roam
- Look at internal and external item at each meeting.
- Business Information Point

It was then:

RESOLVED

That Officers to formulate the Overview and Scrutiny Workplan for 2023-24.

(Meeting started at 2.00 pm and concluded at 3.50 pm)

Chairman

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 26 July 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	*	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell
*	Cllr J M Hodgson	*	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice Chair)

Other Members also in attendance:

Cllr Hopwood on MS Teams

Officers in attendance and participating: Cllr D Thomas

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; relevant Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer

DM.13/23 MINUTES
The minutes of the meeting of the Committee held on 28 June 2023 were confirmed as a correct record by the Committee.

DM.14/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

DM.15/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.16/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

- 6a) 0516/23/OPA Tuffland, Oldhouse Lane, Kingston, Kingsbridge Parish: Bigbury**

Development: Outline planning application with all matters reserved for a permanent agricultural worker's dwelling to serve the farm business

Case Officer Update: The Case Officer summarised the key issues, namely that:

- **Principle** – Meets TTV26(1),(2)(iv) and DEV15(6) of the JLP – the Agricultural Consultant supports the application, confirming there was a functional need for a second permanent agricultural workers dwelling. Contrary to the aims of the SPT1 and TTV26 of the JLP seek to make effective use of the land through optimising the reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development and protecting natural assets. Contrary to Policy BP9 of the Neighbourhood Plan (NP) which requires agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere.
- **Landscape impacts** – The Landscape Officer objection. Fails to conserve and enhance the landscape and scenic beauty, and special qualities of the South Devon AONB, including important views and vistas across the site. Contrary to policies DEV23 and DEV25 of the JLP and BP18 of the NP. Contrary to Policy BP9 of the NP which states development should ensure no harm is caused to the landscape and scenic beauty of the AONB and contrary to BP22 of the NP which seeks to protect important views and vistas.
- **Planning Balance** – The Policy conflicts identified including harm to the South Devon AONB were not considered to be outweighed by the identified need for the additional rural workers dwelling and the economic benefits such would bring.
- **Plymouth Sound and Estuaries European Marine Site** – Unilateral Undertaking would be required to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site.

In response to questions, the Officer reported that the development of that site would not relate to the existing farmstead and would be more elevated from the existing development.

Speakers were: Objector – None, Supporter – Amanda Burden, Parish Council – None, Ward Member – Cllr B Taylor.

The Supporter said

In response to questions raised, the supporter explained that:

- The whole farm was within the AONB and the mobile home was more prominent than the proposed development. Sites B and C would be situated either side of the silage pits making it intolerable to have a dwelling in close proximity;

- The applicants own the land adjacent to the mobile home and if they pursued a dwelling on that site would result in complicated engineering work.

The Ward Member said that this was a growing business and a forward-thinking family. He felt that this site was suitable for the proposed development but wished to hear the debate before committing himself.

During the debate, one Member felt that the proposed site was the better site and would not interfere with the landscape and views and another Member also felt that the dwelling would not affect the landscape. Another Member felt it was important to take notice of the Neighbourhood Plan and that the dwelling should relate to the existing farmstead, there was an agriculture need however this was in a sensitive location and there was a need to protect the landscape and support policies. Another Member felt that the proposed location would be visible from the road and that an alternative site would be preferable.

Recommendation: Refusal

Committee decision: Refusal

6b) 1508/23/FUL "Land At Sx 619 532", Luson, Westlake Parish: Ermington Parish Council

Development: Installation of 24no. ground-mounted solar panels

Case Officer Update: The Case Officer summarised the key issues, namely that:

- **Principle** – Aligns with aims of Policies SPT1.2, SPT2.11, DEV32 and DEV33 of the JLP and Para.158 of the NPPF, which provide support for increasing the use and production of decentralised energy, including through delivering on site low carbon or renewable energy systems. Development requires a countryside location (required by Policy TTV26(2)(iv) as it was to provide renewable energy to an existing dwelling and the wider field would continue to be used for grazing livestock.
- **Heritage impacts** – Not considered to harm the significance or setting of Listed/Curtilage Listed Buildings. The Heritage Officer raised no objections. Likely enhancement by providing ground mounted panels.
- **Landscape impacts** – Limited long-distance views of the site. Visual impacts minimised through conditions requiring black finish colour/anti-reflective coating, details of any fencing and provision of additional landscaping. Solar panels have limited lifespan and condition recommended to require removal once no longer required. There were no concrete footings required and the development was reversible.
- **Impacts on ecology/trees** – Site was under a mid-level stewardship scheme for low-input grassland and the brambles in

the upper fields were due to be flailed this year, in early September. DCC Ecology advised that as the habitat was going to be removed outside of the planning system (as part of the stewardship scheme) in this instance an informative note to the applicant to remind them of their duty and legal responsibilities with regards to protected species would be sufficient. Landscaping secured by condition would provide biodiversity benefits.

- The Tree Officer raised no objections with regard to impact on mature trees/hedges.

In response to questions, the Officer reported that there was a condition to remove the solar panels when no longer required, however whilst in use would be covered by the permission.

Speakers were: Objector – None, Supporter – None, Parish Council – None, Ward Members – None.

During the debate, Members requested that details of the fencing to take into account a hedgehog highway.

Recommendation: Conditional Approval

Committee decision: Conditional Approval subject to landscape condition to include planting underneath and around the solar panels to enhance the biodiversity in the area.

Conditions:

1. Time limit
2. Approved plans
3. Landscaping scheme
4. External lighting
5. Removal when no longer required
6. Details of fencing
7. Black finish colour

6c) 1875/23/VAR "Marlands Farm", Newton Road, Totnes Parish: Berry Pomeroy

Development: Application for variation of condition 2 (approved drawings) of planning consent 0176/21/FUL

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Minor aesthetic changes.
- No impact on wider landscape or residential amenity.
- No highways impact.
- Additional renewable energy sources.
- All original conditions reimposed.

Speakers were: Objector – None, Supporter – None, Parish Council –

None, Ward Councillor – None.

During the debate, Members were pleased that this application addressed the climate emergency agenda.

Recommendation: Conditional approval

Committee decision: Conditional approval

Conditions: Time limit as per original permission
Accord with plans
Details of materials
Surface water drainage (pre-commencement – date agreed TBC)
Low carbon development
Landscaping details
Unsuspected contamination
Details of lighting
Removal of permitted development rights

**6d) 1522/23/FUL Land At Sx 776 496 Higher Poole Farm",
East Allington
Parish: East Allington**

Development: Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

This application deferred to the next meeting.

**6e) 1108/23/FUL Land at SX 729 441 Morley Way,
Kingsbridge
Town: Kingsbridge**

Development: Proposed construction of employment buildings and associated works.

The Case Officer: The Case Officer summarised the key issues, namely that:

- Employment use on this site has been planned since 2015.
- Proposals result in 7 small/medium size employment units.
- Class E uses were generally appropriate next to residential.
- Conditions can be imposed to limit noise and disturbance.
- Design and layout respects residential amenity and character of the area.
- Landscaping Masterplan and Ecological Impact Assessment provide a good basis for conditions requiring submission of detailed landscaping plan, LEMP and CEMP.

In response to questions, the Officer reported:

- They had not come across a heat map with regard to cut and fill.
- 17 parking spaces proposed, and this was sufficient space for this site.
- The application did include scope for a future mezzanine floor due to their height but this could be restricted by condition.
- There was room for larger vehicles to move around the site.
- The access road into the commercial unit was via the residential road and parking for residents would not be impacted by the commercial unit.
- There were no objections received from highways regarding parking.
- Cut and fill would be dealt with on the site.
- The hedge bank would remain, and replanting had already taken place.
- There were no openings at the back of the building apart from a window opening on unit 5.
- Solar panels would be on the roof.
- The Ecology Officer have no objections on the information presented to them.
- The neighbouring property was outside the application site and there would be no changes to the lane.
- The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats but not in the Sustenance Zone.
- The tree protection fence line would change when construction complete.

Speakers were: Objector – None, Supporter – Graham Hutton, Town Council – none, Ward Member – Cllr D O’Callaghan.

The Supporter said....

In response to questions, the Supporter explained that:

- They would provide heatmaps for future planning applications and any cart away would go to a licenced tip and this was heavily regulated by the Environment Agency.
- Hedges and trees were cut under the supervision of SHDC Officers.
- The commercial units were of similar size of a 2-bedroom house and standard practice not to put in a mezzanine floor.
- There were not expecting a queue of artic lorries at the site.
- The units were not intended to be used as a creche or a gym.
- Each unit would have an allocated EV charging point.

The Ward Member said Kingsbridge Town Council and West Alvington Parish Council support this, however the Parish Council support subject to no loss of amenity to surrounding properties, suitable landscaping and

sufficient parking as to not spill into the residential area. They also raised that noise was a concern for the neighbours.

In response to questions from Members, it was explained that noise and hours of operation would be managed by Condition 6 - Submission of a Noise and Complaint Management Plan.

During the debate, a Member raised concerns on parking and any considerations on how to manage the use of parking spaces so that cars would not spill out onto the residential road.

Another Member felt satisfied with the proposals but wanted to ensure the proposals included a hedgehog highway. Another Member had reservations and whether ecology had been thoroughly investigated. Another Member felt this was good for Kingsbridge area for new startups and supported this application. Another Member liked the development apart from the parking and requested a condition that a mezzanine should not be added for 2 years to allow sufficient time to review the impact of parking.

Recommendation: Grant conditional planning consent

Committee decision: Grant conditional planning consent to include the removal of permitted development rights to install a mezzanine level.

Conditions:

1. Time limit – 3 years.
2. Building accordance with approved plans list.
3. Accord with Carbon Reduction Statement.
4. Construction and Environmental Management Plan (pre commencement Date Agreed 18/07/23).
5. Construction Management Plan (pre commencement Date Agreed 18/07/23).
6. Submission of a Noise and Complaint Management Plan (pre occupancy).
7. Landscape and Environmental Management Plan (pre occupancy).
8. Detailed Landscaping scheme (pre occupancy).
9. Parking and Turning provided (pre occupancy).
10. Electric Vehicle Charging Points (pre occupancy).
11. Hours of use of machinery, processes and deliveries – 8am to 7pm Mon-Fri and 8am to 1pm sat.
12. Noise restriction – machinery inaudible beyond boundary.

- 13.No external lighting without approval.
- 14.Accord with Ecological Impact Assessment.
- 15.No clearance during bird nesting season without qualified ecologist supervision.
- 16.Permitted development restricted for extensions and hardstandings
- 17.Restrict use to B8 and E(c)-(g) only.
- 18.Outdoor storage screening and restrictions.

**6f) 2928/22/FUL 71 Yealm Road, Newton Ferrers
Town: Newton and Noss**

**Development: Proposed boatshed and reinstatement of Landing
(Resubmission of 0370/22/FUL) (Retrospective)**

The Case Officer: The Case Officer summarised the key issues, namely that:

- Principle of the development
- Impact on undeveloped shoreline
 - Ecological Impact
 - Impact on policy

In response to questions, the Officer reported:

- There were parts of Newton Creek that were highly developed.
- There was no evidence there was a quay.
- That water would flow under the cantilever deck.
- The Estuary Partnership objected to the original scheme but this changed when the Estuary Partnership agreed the cantilever deck.
- They would be required to apply for an MMO licence.
- That Natural England have not responded to the revised proposals.
- The AONB have responded on behalf of DCC and commented on ecology and inter tidal habitats.

One Member felt that the language used by the applicant regarding the reconstruction of the former quay wall was misleading. Ordnance Survey maps of the area and foreshore were shown to the Committee which showed no evidence of a quay wall.

Speakers were: Objector – None, Supporter – None, Parish Council – Cllr P Hinchcliffe, Ward Member – Cllr D Thomas.

In response to questions, the Parish Councillor reported that the Parish Council want to conserve the quay area and this development would affect the character of that part of the river.

The Ward Member said they called this in partly for the Parish Council and that the Newton and Noss NP received nearly 90% support. They

object on a number of policies and in particular the need to protect and enhance where possible and this application does not enhance or protect.

During the debate, one Member felt that Newton Ferrers could be the next Salcombe, this site has steps built without permission and when do we say no to these types of development? Another Member raised concerns on materials to be used to rebuild the quay and could be toxic to the environment. They also felt the need to support the Parish Council when they raise a strong objection. Another Member was undecided, they respected the views of the Parish Council, having viewed the site could see concrete landings further up the river. Another Member felt that the NP needed to be recognised and to respect the wishes of the people that live in Newton Ferrers.

Recommendation: Conditional Grant

Committee decision: Delegated to the Head of Development Management to agree the reasons for refusal with the Chair, Vice-Chairman, Cllr Hodgson (Proposer) and Cllr O'Callaghan (Seconder), contrary to N3P2, does not conserve or enhance the character of the area and impact on the undeveloped shoreline.

DM.17/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.18/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 11.00 am with a break at 12.48 pm and 15.47pm. Meeting concluded at 17.09pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 26 July 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0516/23/OPA	Tuffland, Oldhouse Lane, Kingston, Kingsbridge	Refused	Cllrs Abbott, Bonham, Hodgson, Long, O'Callaghan and Pannell (6)	Cllrs Allen, Carson, Nix, Rake and Taylor (5)		Cllr McKay (1)
1508/23/FUL	"Land At Sx 619 532", Luson, Westlake	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			Cllr McKay (1)
1875/23/VAR	"Marlands Farm", Newton Road, Totnes	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			Cllr McKay (1)
1522/23/FUL	Land At Sx 776 496 Higher Poole Farm", East Allington	Deferred				
1408/23/FUL	Land at SX 729 441 Morley Way, Kingsbridge	Approved	Cllrs Abbott, Allen, Bonham, Carson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)	Cllr Hodgson (1)		Cllr McKay (1)
2928/22/FUL	71 Yealm Road, Newton Ferrers	Refused	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)		Cllr Rake (1)	Cllr McKay (1)

**MINUTES OF A MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE
HELD IN THE COUNCIL CHAMBER, FOLLATON HOUSE, PLYMOUTH ROAD,
TOTNES ON THURSDAY, 27 JULY 2023**

Members in attendance			
* Denotes attendance			
Ø Denotes apology for absence			
*	Cllr L Bonham (Chairman)	*	Cllr C Oram
*	Cllr S Dennis	*	Cllr A Presswell
Ø	Cllr D Hancock	*	Cllr S Rake
*	Cllr A Nix (Vice-Chairman)	*	Cllr G Yardy

Member(s) also in attendance:
Cllrs Brazil and Cllrs Birch and Hopwood (via Teams)

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Director – Strategy & Governance; Head of Finance; Director of Customer Service & Delivery (via Teams); Senior Democratic Services Officer; Assistant Director – Strategy & Organisational Development (via Teams); Internal Audit Manager; Grant Thornton – Key Audit Manager

AG.08/23 MINUTES

The minutes of the Audit and Governance Committee meeting held on 6 July 2023 were confirmed as a true and correct record.

AG.09/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

(The order of the agenda was changed from the published version to facilitate a discussion on the Internal Audit Report (agenda item 6 (Minute AG.10/23 below refers)) before the Committee considered the Annual Governance Statement (agenda item 5) (Minute AG.11/23 below refers))

AG.10/23 ANNUAL INTERNAL AUDIT REPORT 2022/23

The Committee was provided with the annual report which summarised the internal audit assurances during 2022-23 and informed the Annual Governance Statement. The Internal Audit Manager provided a detailed introduction to his paper.

In discussion, particular reference was made to:

- (a) Procurement and that a number of councils had signed up to the Devon Procurement Strategy a number of years ago and were now

looking to create a new strategy setting out the aims and the objectives. SHDC, West Devon Borough Council and Teignbridge District Council shared a Procurement Officer and Members queried whether the arrangement provided sufficient procurement expertise and capacity.

- (b) Audit Recommendations were categorised as being low, medium and high and Heads of Service had the responsibility to oversee them and this arrangement had been in place for the last 10 months;
- (c) Totnes Market and how this had been administered. The Committee requested that its Work Programme be updated to invite the Director of Customer Services and Delivery (who has responsibility for Totnes Market) to a future meeting of the Committee to share how the issues would be addressed;
- (d) the Building Maintenance audit work was on-going and a report would be presented to the Committee at a future date.

It was then:

RESOLVED

That Members note the Internal Audit Report for 2022-23 and consider it further when reviewing the Annual Governance Statement.

AG.11/23

DRAFT STATEMENT OF ACCOUNTS AND DRAFT ANNUAL GOVERNANCE STATEMENT 2022/23

The Committee considered a report that gave the narrative statement to the accounts and provided a summary of the main items in the Statement of Accounts for 2022/23.

In discussion, particular reference was made to:

- (a) The Statement of Accounts would be audited by Grant Thornton but not until January 2024;
- (b) The underspend of £57,000 and how this was communicated;
- (c) Car parking charges had last been increased 4 years ago by an inflationary amount;
- (d) Producing an addendum report which provided a short narrative outlining the key issues and included significant events.

It was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED** that:

'A summary report which includes significant events to be produced alongside the Statement of Accounts' to share as a communication with residents'.

It was then:

RESOLVED

1. That the Draft Statement of Accounts and the Draft Annual

Governance Statement (AGS) for the financial year ended 31 March 2023 were noted; and

2. That a summary report (which includes significant events) be produced alongside the Statement of Accounts to be shared as a communication document with residents

AG.12/23

INDEPENDENT MEMBER OF THE AUDIT AND GOVERNANCE COMMITTEE

The Committee considered the report which set out the CIPFA (The Chartered Institute of Public Finance) position statement that stated that “The Audit Committees of Local Authorities should include co-opted independent members in accordance with the appropriate legislation.”

In discussion, the following points were raised:

- (a) Specialised knowledge in accountancy would be a requirement in this role;
- (b) A remuneration package would be offered and expectation to attend at least 4 meetings and to spend time reading the agenda and assimilate the information;
- (c) It may not be possible to have both independent members present at every Audit and Governance meeting and the current meeting dates would remain the same.

It was then:

RESOLVED

1. That the S151 Officer work with the Devon Audit Partnership in progressing the appointment of up to two Independent Members to the Audit and Governance Committee as soon as is reasonably practicable during 2023/24;
2. That consideration be given to joint appointments of independent persons to more than one Devon Local Authority Audit Committee (through a joint exercise with neighbouring Local Authorities in Devon, co-ordinated through the Devon Audit Partnership);
3. That Devon Local Authority partners consider setting a consistent remuneration value, to avoid competing with one another in what may be a limited pool of candidates;
4. That it be noted that Independent Members would not have voting rights on the Audit and Governance Committee;
5. That the S151 Officer present a report to a meeting of Full Council following the conclusion of the recruitment exercise, to formally appoint the successful co-opted Independent Member(s) to the Audit and Governance Committee.

AG.13/23 AUDIT COMMITTEE WORKPLAN 2023/24

Members were presented with the latest version of the Committee Work Programme and noted its contents.

It was then:

RESOLVED

That the Committee Workplan 2023/24 (as set out within the published agenda papers) be updated to include:

- Building Maintenance Report – September
- Update on the recommendations (Audit Tracker) – September
- Totnes Market Report - December
- Risk Management Policy - December
- Risk Policy - December
- Audit on car parking in the plan include costs and benefits and investments to be included treasury management - March
- St Ann's Chapel Task and Finish

(Meeting commenced at 9:30 am and concluded at 12.18 pm)

Chairman

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 31 AUGUST 2023

MEMBERS

∅ Cllr S Rake - Chairman
* Cllr J Carson - Vice-Chairman

* Cllr V Abbott	* Cllr G Pannell
* Cllr G Allen	∅ Cllr S Penfold
* Cllr C Oram	* Cllr D Thomas
* Cllr S Dennis (for Cllr S Penfold)	* Cllr N Dommett (for Cllr S Rake)

* Denotes attendance
∅ Denotes apology for absence

Officers in attendance and participating:
Lawyer (via MS Teams); Licensing Officer; and Senior Democratic Support Officer

L.18/23 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 9 March 2023 and minutes of the Licensing Sub Committee held on 6 April 2023 and 22 June 2023 were confirmed as a correct record.

L.19/23 **DETERMINATION OF WHETHER TO GRANT A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Chair reported that the applicant was not present and therefore the meeting would be adjourned to a later date.

(Meeting commenced at 2:25 pm and concluded at 2:28 pm).

Chairman

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PUBLIC QUESTIONS AT COUNCIL MEETINGS

There is a period of 15 minutes at meetings of the Full Council (excluding the Annual Meeting) during which members of the public can ask questions about items on the agenda.

Any member of the public who wants to ask a question should ensure that the question:

- a) is no more than 50 words in length;
- b) is not be broken down into multiple parts;
- c) relates to an item included on the agenda; and
- d) is suitable to be considered. A question will not be suitable if, for example, it is derogatory to the Council or any third party; relates to a confidential matter; it is about a specific planning matter; or it is substantially the same as a question asked in the past six months.

Questions should be sent to Democratic Services (Democratic.Services@swdevon.gov.uk) by 1.00pm on the Monday before the meeting (the deadline will be brought forward by a working day if affected by a bank holiday). This will allow a detailed response to be given at the meeting. If advance notice of the question cannot be given the Chairman of the meeting has the discretion to allow questions on matters that are felt to be urgent;

For any further advice on questions to Full Council, or to request a copy of the full Public Questions Procedure Rules, please contact Democratic Services (Democratic.Services@swdevon.gov.uk)

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